



**ERIC GIBSON**  
DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666  
INFORMATION (858) 694-2960  
TOLL FREE (800) 411-0017  
[www.sdcountry.ca.gov/dplu](http://www.sdcountry.ca.gov/dplu)

October 8, 2009

### MITIGATED NEGATIVE DECLARATION

Project Name: Walls Minor Subdivision; Tentative Parcel Map

Project Number(s): TPM 21008RPL<sup>1</sup>/ER 06-14-024

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
  2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. LIQUEFACTION [DPLU]

1. Prior to the approval of the Parcel Map, the following note shall be added to the non-title sheet of the Parcel Map:

“Prior to issuance of any building permit, a Geotechnical Study shall be submitted and approved by the DPLU Building Division. The report shall specify foundation designs, which are adequate to preclude substantial damage to the proposed structures due to liquefaction. The review of the technical study shall be billed at a rate of Time and Materials.”

C. BIOLOGICAL REQUIREMENTS [DPLU]

1. Prior to issuance of any permit and prior to recordation of the Parcel Map, the applicant shall grant by separate document to the County of San Diego and the California Department of Fish and Game an open space easement, or grant by separate document to the California Department of Fish and Game, a conservation easement, as shown on the Tentative Parcel Map 21008RPL<sup>1</sup> dated **June 4, 2009**, on file with the Department of Planning and Land Use as Environmental Review Number 06-14-024. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. **[DPLU, FEE]**

The sole exceptions to this prohibition are:

- a) Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement,

such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.

- b) Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.
  - c) Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
2. Prior to issuance of any permit and prior to recordation of the Parcel Map the applicant shall grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on Tentative Parcel Map 21008 RPL<sup>1</sup> dated **June 4, 2009**, on file with the Department of Planning and Land Use as Environmental Review Number 06-14-024. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **[DPLU, FEE]**
- a) Decking, fences, and similar facilities
  - b) Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
  - c) The existing accessory structures on parcels 1 and 2 as shown on Tentative Parcel Map 21008 RPL<sup>1</sup>. Should these structures be destroyed, they may be reconstructed to their original square footages and in their original footprints.
3. Prior to issuance of any permit and prior to recordation of the Parcel Map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.03 acres of southern coast live oak riparian forest (Tier I) habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Rancho Jamul Wetland Mitigation Bank or other wetland mitigation bank

approved by the Director of Planning and Land Use. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**

- a) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- b) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

**-OR-**

Provide for the conservation and habitat management of a minimum of 0.03 acres of southern coast live oak riparian forest (Tier I) habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the southern coast live oak riparian forest (Tier I) habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- 4. Prior to issuance of any permit and prior to recordation of the Parcel Map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.11 acres of Tier I habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Crestridge Mitigation Bank or other mitigation bank within the Multiple Species Conservation Program (MSCP).

Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**

- a) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- b) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

**-OR-**

Provide for the conservation and habitat management of a minimum of 0.11 acres of Tier I habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the Tier I habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- 5. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, and prior to recordation of the Parcel Map, provide evidence to the satisfaction of the Director of Planning and Land Use, that the open space signage has been installed. The applicant shall submit a statement from a California Registered Engineer, or licensed surveyor that all open space signs along the Biological open space boundary of Parcels 1, 2, 3 and the Designated Remainder Parcel, as shown on the Open Space Fencing Exhibit dated **August 31, 2009**, on file with the Department of Planning and Land Use

as Environmental Review Number 06-14-024 have been installed. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following: **[DPLU, FEE]**

**“Sensitive Environmental Resources  
Area Restricted by Easement**

Unauthorized Entry is Restricted. To report a violation or  
for more information about easement restrictions and  
exceptions contact the County of San Diego,  
Department of Planning and Land Use  
Reference: 06-14-024”

6. Prior to obtaining any building, grading, construction or any other permit, provide the Director of Planning and Land Use with a copy of a Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required. **[DPLU, FEE]**
7. Prior to obtaining any building, grading, construction or any other permit, provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required. **[DPLU, FEE]**
8. Prior to the approval of the grading, improvement, or building plans, submit to the satisfaction of the Director of Planning and Land Use: a statement from a California Registered Engineer, or licensed surveyor, that temporary construction fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing condition shall be released on a parcel-by-parcel basis. **[DPLU, FEE]**
9. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, provide evidence to the satisfaction of the Director of Planning and Land Use, that the grading, and or improvement plans, and or building plans show permanent fences along the open space boundary of Parcels 1, 2, and 3 as shown on the Open Space Fencing and Signage Exhibit dated **August 31, 2009**, on file with the Department of Planning and Land Use as Environmental Review Number 06-14-024. **[DPLU, FEE X3]**

- a) The fence shall be a minimum of four feet (4') high and consist of 2-strand barbless wire. Any change in construction materials and fence design shall be approved by the Department of Planning and Land Use prior to installation.
- b) The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**"Sensitive Environmental Resources  
Area Restricted by Easement**

Unauthorized Entry is Restricted. To report a violation or  
for more information about easement restrictions and  
exceptions contact the County of San Diego,  
Department of Planning and Land Use  
Reference: 06-14-024"

**(Biological Notes)**

- 10. Prior to the approval of any grading, improvement, or building plans and issuance of any permit, provide evidence to the satisfaction of the Director of Planning and Land Use or Public Works, that the following "Specific Environmental Notes" have been placed on any of the grading, and or improvement plans and are made conditions of their issuance: **[DPLU, FEE]**
  - a) "Temporary construction fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity."
  - b) "Prior to the conclusion of grading activities and Final Grading Release or Occupancy of any building, placement of permanent open space fencing and signs is required to be completed. Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences have been installed along the biological open space boundary of Parcels 1, 2, and 3, and open space signs have been installed along the biological open space boundary of Parcels 1, 2, 3 and the Designated Remainder Parcel, as shown on the Open Space Fencing and Signage Exhibit dated **August 31, 2009**, on file with the Department of Planning and Land Use as Environmental Review Number 06-14-024. Evidence shall be site photos and a statement from a California Registered

Engineer, or licensed surveyor that the permanent fences and open space signs have been installed.” **[DPLU, FEE]**

D. CULTURAL RESOURCE REQUIREMENTS [DPLU]

1. Prior to approval of grading and/or improvement plans, and prior to approval of the Parcel Map, the applicant shall grant to the County of San Diego by separate document, an open space easement over portions of parcels 2, 3, and the Designated Remainder Parcel as shown on the Tentative Parcel Map dated **June 4, 2009**. This easement (include adequate buffers) is for the protection of archaeological sites CA-SDI-18002, CA-SDI-18003, and CA-SDI-18004 and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. **[DPLU, FEE]**

The sole exceptions to this prohibition are:

- a) Scientific investigations conducted pursuant to a research design prepared by an archeologist certified by the Register of Professional Archaeologists and approved by the Director of Planning and Land Use.
  - b) Implementation of a site-capping plan approved by the Director of Planning and Land Use.
  - c) Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.
2. Prior to approval of any grading or improvement plans, or issuance of any grading permits or construction permits, the applicant shall implement the following conditions relating to the grading monitoring program, to mitigate potential impacts to undiscovered buried archaeological resources on the Project site. The following conditions shall be implemented to the satisfaction of the Director of the Department of Planning and Land Use: **[DPLU, FEE X2]**
    - a) Provide evidence that a County approved archaeologist ("Project Archaeologist") has been contracted to implement a grading monitoring and potential data recovery program that complies with the County of San Diego Guidelines for Determining Significance



and Report Format and Content Requirements, to the satisfaction of the Director of Planning and Land Use. Also, provide evidence that a Native American Monitor has been contracted to monitor grading, or evidence that no Native American Monitor was available, in which case the Project Archaeologist shall perform that function.

- b) The Contract shall include a cost estimate of the required monitoring; this estimate shall be submitted to the Director of Public Works and included in the Bond Cost Estimate for the required Grading.
3. Prior to the approval of any plans, issuance of any permit, and approval of any Parcel Map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) and/or the Director of Planning and Land Use that the following “Specific Environmental Notes” have been placed on the grading, and/or improvement plans: **[DPLU, FEE]**

(Cultural)

- a) “Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity.”
- b) “The County approved Project Archaeologist, the Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.” **[DPLU, FEE]**
- c) “The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements.”
- d) “During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated,

and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.”

- e) “In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the designated Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.”
- f) “If any human bones are discovered, the Project Archaeologist shall contact the County Coroner. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.”
- g) “The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.” **[DPLU, FEE]**
- h) “Prior to rough grading inspection sign-off for each phase, the Project Archaeologist shall provide evidence that the field grading monitoring activities have been completed. Evidence shall be in the form of a letter to the Director of the Department of Planning and Land Use.” **[DPLU, FEE]**

- i) “Prior to Final Grading Release for each phase, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:” **[DPLU, FEE X2]**
  - (1) “Department of Parks and Recreation Primary and Archaeological Site forms.”
  - (2) “Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.”
  - (3) “If no cultural resources are discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Archaeologist.”

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

NOTE: THIS PROJECT IS REQUIRED TO PAY THE TRANSPORTATION IMPACT FEE (TIF) IN ACCORDANCE WITH COUNTY ORDINANCE # 9712.

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. SIGHT DISTANCE
  - a) Have a registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Harbison Canyon Road from the proposed private easement road, per Section 6.1.E of the County Standards for Public Roads. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required. The engineer or surveyor shall further certify that the sight distance of adjacent driveways and street openings on Harbison Canyon Road will not be adversely affected by this project.
3. PRIVATE ROAD EASEMENTS
  - a) The Parcel Map shall show a minimum thirty-eight foot (38') radius cul-de-sac in the vicinity of the common boundary of Parcel 2 and Parcel 4, to the satisfaction of the San Diego Rural Fire Protection District and the County Department of Public Works.
4. ROAD DEDICATIONS/RELINQUISHED ACCESS RIGHTS
  - a) The subdivider shall relinquish access rights onto Harbison Canyon Road (SF 1402), except for one (1) opening for the private easement road.
5. CIRCULATION ELEMENT ROADS
  - a) Prior to preparation of the Parcel Map, contact the Route Locations Section of the Department of Public Works to determine the desired location of the centerline for Harbison Canyon Road (SF 1402), which is shown on the Circulation Element of the County General Plan as a Collector Road with bike lanes. The following shall be shown on the Parcel Map:
    - (1) The centerline location as approved by the County of San Diego, Department of Public Works Route Locations Section.

- (2) The width of the right-of-way, which is a minimum forty-seven feet (47') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening." The additional five feet (5') is for a bicycle facility.
- (3) A building line which is a minimum seventy-seven feet (77') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
- (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

6. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/  
DEVELOPMENT IMPACT FEES

- a) The subdivider shall authorize Special Districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the cost of processing by paying a minimum deposit at the Land Development Counter Services.
- b) The subdivider shall provide for maintenance of the onsite private road that serves the project through a private road maintenance agreement.
- c) Participate in the cost of a traffic signal installation at the intersection of Harbision Canyon Road and Dehesa Road. The amount of the developer's portion of the entire cost of the signal shall be \$225.

The Director of Planning and Land Use hereby determines that:

- (1) The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
- (2) The fee will be used to contribute toward the installation of a traffic signal at the intersection of Harbision Canyon Road and Dehesa Road;

- (3) The traffic signal will help mitigate the additional traffic impact on this intersection caused by the residential subdivision;
- (4) This residential subdivision will contribute additional traffic to the intersection of Harbision Canyon Road and Dehesa Road;

7. FACILITY/UTILITY ARRANGEMENTS

- a) Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- b) The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
- c) Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map. [DPLU]
- d) If the Parcel Map records after September 16, 2009, a new certification for water service must be obtained from the Padre Dam Municipal Water District. (This date is dependant on the Service Availability Form (399W) once received.)

8. FLOODING/DRAINAGE

- a) Lines of inundation to the limits of the 100-year flood along the watercourse, which flow through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
  - (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year floodplain

limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

- b) A flowage easement encompassing the limits of either the 100-year flood plain or floodway, as defined in Section 1110 of the Zoning Ordinance, on the watercourse which flows through the property shall be dedicated to the County of San Diego. This pertains to watersheds having areas of one (1) square mile or more.

9. RESOURCE PROTECTION ORDINANCE/STEEP SLOPES [DPLU]

- a) Prior to issuance of grading or construction permits or on the Parcel Map, whichever comes first, the applicant shall:

Grant to the County of San Diego an open space easement over portions of Parcel 1, 2, 3, and 4, as shown on Tentative Parcel Map 21008RPL<sup>1</sup> dated **June 4, 2009**. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exceptions to this prohibition are as follows:

- (1) Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

- (2) Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- (3) Construction, use, and maintenance of a private road.
- (4) Construction, use, and maintenance of a 2-strand barbless wire fence and signage. The purpose of the fencing and signage is to restrict unauthorized entry into the Biological Open Space Easement.

C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. PLANS OF SUFFICIENT DETAIL SHALL BE PREPARED FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE FOR THE PURPOSE OF ESTIMATING THE APPROXIMATE COSTS OF DEFERRED IMPROVEMENTS. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR



PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENTS, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.)

1. PRIVATE ROAD IMPROVEMENTS

- a) The cul-de-sac shall be graded to a minimum radius of thirty-eight feet (38') and improved with asphalt concrete to a minimum radius of thirty-six feet (36'), to the satisfaction of the San Diego Rural Fire Protection District and the County Department of Public Works
- b) The to-be-named private easement road, from the intersection of the driveway access to Parcel 4 and the driveway access to the Remainder Parcel westerly to Harbison Canyon Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1C of the County Standards for Private Streets for one-hundred (100) or less trips shall apply, to the satisfaction of the Department of Public Works.
- c) Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
- d) Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.

- e) A street name sign, with a County approved street name, shall be installed and located at the intersection of Harbison Canyon Road and the to-be-named private easement road per San Diego County Design Standards DS-13.
- f) A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The to-be-named private easement road, including all slopes and the cul-de-sac, from the intersection of the driveway access to Parcel 4 and the driveway access to the Remainder Parcel westerly to Harbison Canyon Road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- g) Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphaltic concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- h) The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.
- i) A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

2. FACILITY/UTILITY IMPROVEMENTS [DPLU]

- a) The subdivider shall install a minimum water supply pipe to serve this minor subdivision in accordance with the standards of the Padre Dam Municipal Water District.
- b) Fire hydrant(s) together with an adequate water supply, shall be installed every 350' along the proposed private road easement, in accordance with the specifications of the Rural San Diego Fire Protection District and San Diego County standards. On paved roads, a "blue dot" marker shall be installed in the pavement to indicate the location of the fire hydrant(s).

Design of water supply, type, and location of fire hydrant(s) must be submitted to the Rural San Diego Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.

D. OTHER REQUIREMENTS [DPW] [DPLU]

1. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.
2. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
3. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.
4. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning

stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

5. Zoning regulations require that each parcel shall contain a minimum net area of 4 acres. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
6. The subject property is in both the (18) Multiple Rural Use and (24) Impact Sensitive Designation of the General Plan and each parcel shall contain a minimum gross area of 4, 8, or 20 acres, depending on the average slope of each parcel. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
7. The public and private easement roads serving this project shall be named.

Prior to preparation of the Parcel Map, the responsible party shall contact the Street Address Section of the Department of Planning and Land Use (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.

8. The following note shall appear on the Parcel Map:

"This subdivision includes a Designated Remainder Parcel, which is not being created for purposes of sale, lease or financing. Prior to sale, lease or financing of the designated remainder parcel, a Certificate of Compliance or Conditional Certificate of Compliance must be obtained from the Department of Planning and Land Use and must be recorded. Additional improvements, exactions or other requirements may be imposed as a condition of approval of such a Conditional Certificate of Compliance."

9. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
10. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

11. Low Impact Development (LID) requirements apply to all priority projects, starting March 24, 2008. These requirements are found on page 19 (Section D.1.d. (4) a & b) of the Municipal Storm water Permit: <http://www.swrcb.ca.gov/rwqcb9/programs/stormwater/sd%20permit/r9-2007-0001/Final%20Order%20R9-2007-0001.pdf>

The draft LID Handbook is a great source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. Access the Handbook at the following DPLU web address: [http://www.sdcounty.ca.gov/dplu/LID\\_PR.html](http://www.sdcounty.ca.gov/dplu/LID_PR.html)

The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be the most useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. A LID presentation is to be posted on the Project Clean Water Website. For more information contact DPW-Watershed Protection Division.

12. All plans shall be in conformance with the following:

Sections 811.201 through 811.602 of Ordinance No. 8334 pertaining to Flood Hazards; Sections 88.100 through 88.500 of Ordinance No. 3172 (amendments by Ordinances No. 5147, 5150, 5406, 5521, 5827, 6051, 7141, 7801, 7986) pertaining to Drainage and Watercourses; Sections 87.101 through 87.717 of Ordinance 2925 (amendments by Ordinances No. 3281, through 8691) pertaining to Excavation and Grading

E. WAIVER AND EXCEPTIONS [DPW] [DPLU]

1. This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County of San Diego Subdivision Ordinance, the County of San Diego Public and Private Road Standards and all other required ordinances of San Diego County except for a request for modification of County of San Diego Private Road Standards, Section 3.1(C).

The request is for improvement conditions requiring Private Road Standards minimum 100-foot horizontal curve radius to be reduced to minimum 60-foot horizontal curve radius per allowances within Section 3.1(C). This applies to private road improvement requirements on the proposed private easement road.

DPW is able to support the request for modification to the above mentioned conditions. Since review indicates that this project can technically meet the criteria in section 3.1(C), it has been determined this modification will not adversely affect the safety and flow of traffic in this area.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

---

Negative Declaration, TPM 21008RPL<sup>1</sup> - 23 -

October 8, 2009

on \_\_\_\_\_

Sami Real, Planning Manager  
Project Planning Division

EG:SR:ms